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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,736

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Jeffrey P. Poltorak

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09/08/2006

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EXAMINER

TRINH, MINH N

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/730,736

Applicant(s)

POLTORAK, JEFFREY P.

Examiner

Minh Trinh

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/8/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, species 1A (claims 1-11) in the reply filed on 7/13/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Thus, claims 12-19, are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was treated as **without** traverse in the reply filed on 7/13/06.

An Office action on the merits of claims 1-11 as follows:

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "power compact press for capacitor anodes" or the like.

### ***Claim Objections***

3. Claims 1-11 are objected to because of the following informalities: for examples:  
The term: "its" (claim 1, line 3, claim 8, line 11, etc) should be deleted.  
The term: "their . . ." (claim 1, lines, 10-13, and other places in claims 2-11, i.e., claim 8, lines 19-22) should be replaced with :--the--, respectively.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (3,642,401) in view of Maeda et al (5,949,639).

Wilson discloses a compacting press as molding system 10 comprising: walls forming an elongated compression chamber of uniform section having at least an opening at opposite ends (see Fig.1, depicts walls as platens 12, 14 and the forming chamber between them, note chamber also read as openings opposite ends), a set of opposed rib punches as protrusion from 12 extending through said openings and linearly reciprocable in said chamber a first distance between a non compacting position and a compacting position (see Fig. 1), a set of opposed channel punches linearly reciprocable in said chamber a second distance between a non compacting position and a compacting position (as shown in Fig. 1, as ref. 14 dotted lines) said opposed sets of rib and channel punches being interleaved, Wilson however, inherently

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discloses first drive means operable to move said rib punches between their non-compaction position and their compaction position at a first predetermined speed, second drive means operable to move said channel punches between their non-compaction position and their compaction position at a second predetermined speed (as discussed in col. 3, about lines 58-60, about the engaging by moving the 12 toward 14, etc.). Further, Maeda et al also teach the above where a first drive means operable to move said rib punches between their non-compaction position and their compaction position at a first predetermined speed, second drive means operable to move said channel punches between their non-compaction position and their compaction position at a second predetermined speed (see col.5, lines 14-21 and col. 6, lines 55-62), as well as controls operable to cause said first and second drive means to simultaneously move said rib and channel punches from their non-compacting positions to their compacting positions (see Figs. 5-6, depicts the simultaneously motion controls at the compacting state by the arrows). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Wilson by the Maeda's teachings as described above in order to form an improvement press structure that including the simultaneously move said rib and channel punches from their non-compacting positions to their compacting positions, facilitating operation of the device would result.

Note that the limitation recites "the ratio of said first predetermined speed to said second predetermined speed being equal to the ratio of said first distance to said second distance" does not further limit the claimed structure because the ratio

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configurations is considered to be functionally intended use which is not seemed to further limiting the claimed structure.

If argue that the Wilson does not teach the opening at opposite ends of the walls, refer to Maeda' figs 14-15.

As applied to claims 3-4, and 9-10 noting these limitations do not further limit the claimed press since the combination teachings every aspect structural limitation of claims it is capable of performing the functions similar to the functions recited in these claims.

As applied to claim 5-8, noting the Maeda' Figs 14-15 depict the three rib punch and Figs. 5-6, discloses the limitations of claim 7-8, where the punches are being interleaves as well as moving and shifting to facilitate the removing of the formed work pieces.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited for their teachings of press for forming capacitor or the like.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mt  
9/1/06



MINH TRINH  
PRIMARY EXAMINER